

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
YURMAN STUDIO, INC. and YURMAN
DESIGN, INC.,

Plaintiffs/Counter-Defendants,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs.
----- X

Civil Action No. 07-1241 (SAS)(HP)
(Action No. 1)

----- X
CARTIER, a division of RICHEMONT NORTH
AMERICA, INC., CARTIER INTERNATIONAL,
N.V., CARTIER CREATION STUDIO, S.A., VAN
CLEEF & ARPELS S.A., VAN CLEEF &
ARPELS, INC., VAN CLEEF & ARPELS
DISTRIBUTION, INC., GUCCI AMERICA, INC.,
and BULGARI S.p.A.,

Plaintiffs,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants.
----- X

Civil Action No. 07-7862 (SAS)(HP)
(Action No. 2)

**DECLARATION OF DAVID YURMAN IN SUPPORT OF
YURMAN STUDIO, INC.'S AND YURMAN DESIGN, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT D



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

REG

VA 1-024-278



#U00001024278

EFFECTIVE DATE OF REGISTRATION

Aug 21 2000
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

Albion Collection Necklace N06261

NATURE OF THIS WORK ▼ See instructions

Jewelry Design

PREVIOUS OR ALTERNATIVE TITLES ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

NAME OF AUTHOR ▼

David Yurman

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

1942

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

Author's Nationality or Domicile
Name of Country

OR Citizen of ▼ U.S.A.

Domiciled in ▼ New York

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

- | | | |
|--|--|---|
| <input type="checkbox"/> 3-Dimensional sculpture | <input type="checkbox"/> Map | <input type="checkbox"/> Technical drawing |
| <input type="checkbox"/> 2-Dimensional artwork | <input type="checkbox"/> Photograph | <input type="checkbox"/> Text |
| <input type="checkbox"/> Reproduction of work of art | <input checked="" type="checkbox"/> Jewelry design | <input type="checkbox"/> Architectural work |

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

Author's Nationality or Domicile
Name of Country

OR Citizen of ▼

Domiciled in ▼

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

- | | | |
|--|---|---|
| <input type="checkbox"/> 3-Dimensional sculpture | <input type="checkbox"/> Map | <input type="checkbox"/> Technical drawing |
| <input type="checkbox"/> 2-Dimensional artwork | <input type="checkbox"/> Photograph | <input type="checkbox"/> Text |
| <input type="checkbox"/> Reproduction of work of art | <input type="checkbox"/> Jewelry design | <input type="checkbox"/> Architectural work |

3

Year in Which Creation of This Work Was Completed

1997

This information must be given. Year in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month ▼ July

Day ▼ 24

Year ▼ 1997

Nation ▼

4

See instructions before completing this space

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Yurman Design Inc.
501 Madison Avenue
New York, NY 10022

Transfer: If the claimant named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of the circumstances obtained ownership of the copyright. ▼

Assignment: from David Yurman

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AUG 21 2000

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AUG 21 2000

TWO DEPOSITS RECEIVED

AUG 21 2000

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MORE ON BACK ►

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• See detailed instructions.
• Sign the form at line 5.

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Part 1 of 2 pages

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FORM VA

CHECKED BY _____

☐ CORRESPONDENCE

Yes

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PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates. ▼b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP ▼Joseph Ramirez/Yurman Design Inc.
501 Madison Avenue
New York, NY 10022

Area code and daytime telephone number ► (212) 896-1550

Fax number ► (212) 593-1597

Email ► jramirez@davidyurman.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ►

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☐ authorized agent of Yurman Design Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) A

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Joseph Ramirez

Date ► July 28, 2000

Handwritten signature (X) ▼

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

Yurman Design Inc / Joseph Ramirez

Number/Street: ▼

501 Madison Avenue

City/State/ZIP ▼

New York, NY 10022

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

**SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE**

1. Application form
2. Non-refundable filing fee in check or money order payable to Registrar of Copyright.
3. Deposit material

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As of July 1, 1997
the filing fee
Form VA is \$:

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

June 1997 — 100 000
WEB P.E. — June 1999

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N06261

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david yurman

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David Yurman Inspired Jewelry

Designer Inspired Jewelry

Designer Inspired Baby Charms

Men's Jewelry

CATEGORIES

Engagement Rings

Chandelier Earrings

Bridal Jewelry

Heart Shaped Jewelry

Tennis Bracelets & Necklaces

Chains

Cufflinks

Religious Jewelry

Equestrian Jewelry

DEPARTMENTS

Watches NEW!

Bracelets

Necklaces & Pendants

Earrings

Rings

Pins & Brooches

Ankle Bracelets

Accessories

Baby Gifts & Charms

Clearance Sale Jewelry

MATERIALS

Sterling Silver & CZ

Gold Jewelry

Pearls

Diamond Jewelry

Gemstone Jewelry

Turquoise Jewelry

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Home > Top Best Selling Designer Inspired Jewelry, Best Seller Sterling Silver Jewelry & Top Celebrity Faux Jewelry > David Yurman Inspired Knockoff Albion Pendant Enhancer MORE COLORS!

David Yurman Inspired Knockoff Albion Pendant Enhancer MORE COLORS!



Availability: **In Stock**

Order Now & Ships: **Fri, Feb 16**

Item #: BSB-Palb

List Price: \$224.99

Our Price: \$74.99

Choose color: **Blue Topaz**

Necklace Sizing Chart

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New Flat Shipping Rates:

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USA Mid West Ground **\$5.50**

USA West Coast Ground **\$6.75**

Intl. Shipping is **\$25**. more info

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Matching Items



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\$39.99



David Yurman Inspired Imitation Carved Jewel Dome Cable Bangle Sterling Silver MORE COLORS!
\$274.99



Inspired By David Yurman Jewelry Imitation Carved Cable Albion Pendant and Earrings Set MORE COLORS!
\$119.99

OTHER VIEWS:



Click to enlarge



Click to enlarge



Click to enlarge

DESCRIPTION:

This pendant is a replica of the famous David Yurman Albion design. Made of solid .925 sterling silver with gold vermeil details outlining the edges. CZ Gemstone is available in color of your choice. This pendant is heavyweight and will be a perfect complement for your albion jewelry collection. CHAIN IS NOT INCLUDED.

Measures: 3/4" H x 3/4" W

Weight: 12 grams

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David Yurman Jewelry Inspired Replicas Collection > David Yurman Jewelry Inspired Knockoff Turquoise Albion Pendant and Earrings Set

David Yurman Jewelry Inspired Knockoff Turquoise Albion Pendant and Earrings Set

Our Bestsellers

FEATURED ITEMS

Valentine's Day Jewelry

Clearance Sale

New Arrivals

Best Sellers

Celebrity Jewelry

COLLECTIONS

Tiffany Inspired Jewelry

David Yurman Inspired Jewelry

Designer Inspired Jewelry

Designer Inspired Baby Charms

Men's Jewelry

CATEGORIES

Engagement Rings

Chandelier Earrings

Bridal Jewelry

Heart Shaped Jewelry

Tennis Bracelets & Necklaces

Chains

Cufflinks

Religious Jewelry

Equestrian Jewelry

DEPARTMENTS

Watches **NEW!**

Bracelets

Necklaces & Pendants

Earrings

Rings

Pins & Brooches

Ankle Bracelets

Accessories

Baby Gifts & Charms

Clearance Sale Jewelry

MATERIALS

Sterling Silver & CZ

Gold Jewelry

Pearls

Diamond Jewelry

Gemstone Jewelry

Turquoise Jewelry



Availability: **In Stock**

Order Now & Ships: **Fri, Feb 16**

Item #: BSB-S1200T

List Price: \$249.99

Our Price: \$139.99

Necklace Sizing Chart

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USA East Coast Ground **\$4.50**

USA Mid West Ground **\$5.50**

USA West Coast Ground **\$6.75**

Intl. Shipping is **\$25. more info**

OTHER VIEWS:



Click to enlarge

DESCRIPTION:

These beautiful earrings and pendant set are made in a David Yurman Albion Collection design. They are made of .925 sterling silver and rhodium plated to resist tarnish and provide a high shine. The cables are embedded with an open square of turquoise tone and detailed with gold vermeil finish outlining the edges. CHAIN IS NOT INCLUDED and is sold separately. We recommend to pair it with big chains such as David Yurman Inspired Box Link Chain. Earrings are for pierced ears only. FREE ground shipping on this item.

Measures: Earrings measure 16mm high and 16mm wide. Pendant measures 19mm by 19mm. Bail is 12mm.

Weight: Weight is 22 grams.

Material: .925 Sterling Silver Turquoise

Category: silver earring pendant

Mikimoto & Co. Inspired South Sea Shell Pearl Earrings MORE COLORS!
\$29.99

Matching Items

David Yurman Inspired Box Link Chain Necklace
\$19.99

David Yurman Inspired Replica Sterling Silver Cab Bangle w/ Onyx or Turquoise Tip
\$149.99

David Yurman Jewelry Inspired Turquoise Noblesse Ring
\$49.99

Designer Inspired Rectangular Serpentine Sterling Silver Turquoise Earrings
\$39.99

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Clearance Sale

New Arrivals

Best Sellers

Celebrity Jewelry

COLLECTIONS

Tiffany Inspired Jewelry

David Yurman Inspired Jewelry

Designer Inspired Jewelry

Designer Inspired Baby Charms

Men's Jewelry

CATEGORIES

Engagement Rings

Chandelier Earrings

Bridal Jewelry

Heart Shaped Jewelry

Tennis Bracelets & Necklaces

Chains

Cufflinks

Religious Jewelry

Equestrian Jewelry

DEPARTMENTS

Watches **NEW!**

Bracelets

Necklaces & Pendants

Earrings

Rings

Pins & Brooches

Ankle Bracelets

Accessories

Baby Gifts & Charms

Clearance Sale Jewelry

MATERIALS

Sterling Silver & CZ

Gold Jewelry

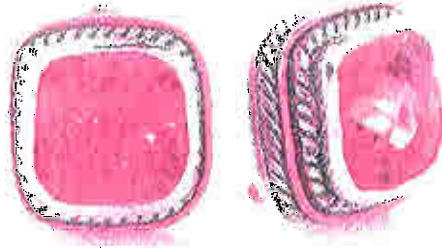
Pearls

Diamond Jewelry

Gemstone Jewelry

Turquoise Jewelry

Inspired By David Yurman Jewelry Inspired Carved Albion Earrings **MORE COLORS!**



Availability: **In Stock**

Order Now & Ships: **Fri, Feb 16**

Item #: PK-DYtopazE

List Price: \$224.99

Our Price: \$74.99

Choose stone

color: **Champagne**

Add to Shopping Bag

New Flat Shipping Rates:

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USA East Coast Ground **\$4.50**

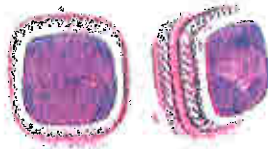
USA Mid West Ground **\$5.50**

USA West Coast Ground **\$6.75**

Intl. Shipping is **\$25. more info**

FREE RETURNS

OTHER VIEWS:



Click to enlarge



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DESCRIPTION:

Set in solid .925 sterling silver, these blue topaz cubic zirconia stones are set in a David Yurman-inspired cushion setting. Stone is cut for maximum brilliance and solid sterling silver setting features delicate gold vermeil detailing on the sides. Picture shown is in Champagne color.

Measures: Earrings measure 3/4" high and 3/4" wide.

Weight: Weight is 12 grams.

Material: .925 Sterling Silver Gemstone

Our Bestsellers

**Tiffany Inspired Copy
Diamond CZ Horseshoe
Pendant Necklace**
\$32.99

Matching Items



**David Yurman Inspired
Imitation Carved Jewel
Dome Cable Bangle Sterling
Silver MORE COLORS!**
\$274.99



**David Yurman Inspired
Knockoff Albion Pendant
Enhancer MORE COLORS**
\$74.99



**SALE! David Yurman
Noblesse Inspired Oval
Diamond CZ Cable Ring
MORE COLORS!**
\$35.99



**David Yurman Albion
Inspired Replica Cushion
Cut Double Cable Ring
MORE COLORS!**
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David Yurman Jewelry Inspired Sterling Silver Turquoise Albion Ring

FEATURED ITEMS

Valentine's Day Jewelry

Clearance Sale

New Arrivals

Best Sellers

Celebrity Jewelry

COLLECTIONS

Tiffany Inspired Jewelry

David Yurman Inspired Jewelry

Designer Inspired Jewelry

Designer Inspired Baby Charms

Men's Jewelry

CATEGORIES

Engagement Rings

Chandelier Earrings

Bridal Jewelry

Heart Shaped Jewelry

Tennis Bracelets & Necklaces

Chains

Cufflinks

Religious Jewelry

Equestrian Jewelry

DEPARTMENTS

Watches **NEW!**

Bracelets

Necklaces & Pendants

Earrings

Rings

Pins & Brooches

Ankle Bracelets

Accessories

Baby Gifts & Charms

Clearance Sale Jewelry

MATERIALS

Sterling Silver & CZ

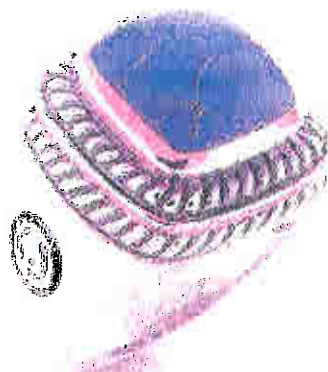
Gold Jewelry

Pearls

Diamond Jewelry

Gemstone Jewelry

Turquoise Jewelry



Availability: **In Stock**

Order Now & Ships: **Fri, Feb 16**

Item #: **DY-7014**

List Price: **\$199.99**

Our Price: \$70.99

Choose size: **6**

Ring Sizing Chart

Add To Shopping Bag

New Flat Shipping Rates:

FREE GROUND Shipping

on orders over \$60

USA East Coast Ground **\$4.50**

USA Mid West Ground **\$5.50**

USA West Coast Ground **\$6.75**

Intl. Shipping is **\$25. more info**

OTHER VIEWS:



Click to enlarge

DESCRIPTION:

This is a beautiful imitation of the David Yurman Albion Collection design. It is made of .925 sterling silver and rhodium plated to resist tarnishing which also provides a high shine. The cables are embedded with an open square of turquoise tone and detailed with gold vermeil finish outlining the edges. Matching pendant and earrings are available!

Measures: Face of ring measures 3/4" in height & 1" in width

Weight: 14 grams

Material: .925 Sterling Silver 14K Gold Vermeil Gemstone

Category: silver ring

All measurements are approximate. Designer mentioned does not make this item. Please read our disclaimer.

Our Bestsellers:

Tiffany Inspired Copy Diamond CZ Horseshoe Pendant Necklace
\$32.99

Matching Items



David Yurman Jewelry Inspired Knockoff Turquoise Albion Pendant and Earrings Set
\$139.99



Genuine Turquoise Multi Strands Coral Necklace w/ Sterling Silver Horned Clasp
\$259.99



David Yurman Inspired Trillon Onyx or Turquoise Cable Bangle
\$179.99



Genuine Turquoise Three Strands Coral Lariat Necklace
\$114.99

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David Yurman Inspired Earrings: Sterling Silver, Multi Colored Gemstones, Cushion Cut Diamond CZ, Albion Earrings, Cable Pearls > Inspired By David Yurman Jewelry Imitation Carved Cable Albion Pendant and Earrings Set **MORE COLORS!**

Inspired By David Yurman Jewelry Imitation Carved Cable Albion Pendant and Earrings Set MORE COLORS!

Our Bestsellers

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Clearance Sale

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Best Sellers

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COLLECTIONS

Tiffany Inspired Jewelry

David Yurman Inspired Jewelry

Designer Inspired Jewelry

Designer Inspired Baby Charms

Men's Jewelry

CATEGORIES

Engagement Rings

Chandelier Earrings

Bridal Jewelry

Heart Shaped Jewelry

Tennis Bracelets & Necklaces

Chains

Cufflinks

Religious Jewelry

Equestrian Jewelry

DEPARTMENTS

Watches NEW!

Bracelets

Necklaces & Pendants

Earrings

Rings

Pins & Brooches

Ankle Bracelets

Accessories

Baby Gifts & Charms

Clearance Sale Jewelry

MATERIALS

Sterling Silver & CZ

Gold Jewelry

Pearls

Diamond Jewelry

Gemstone Jewelry

Turquoise Jewelry



Availability: **In Stock**

Order Now & Ships: **Fri, Feb 16**

Item #: BSB-Salbcable

List Price: \$299.99

Our Price: \$119.99

Choose stone

color: **Blue Topaz**

Necklace Sizing Chart

Add to Shopping Bag

New Flat Shipping Rates:

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USA East Coast Ground \$4.50

USA Mid West Ground \$5.50

USA West Coast Ground \$6.75

Intl. Shipping is \$25. [more info](#)

Tiffany Inspired Jewelry
Copy Pave Palm Tree
Pendant
\$29.99

Matching Items



SALE! David Yurman
Noblesse Inspired Oval
Diamond CZ Cable Ring
MORE COLORS!
\$35.00



David Yurman Noblesse
Inspired Copy Emerald-Ct
Colored CZ Cable Ring
MORE COLORS!
\$39.99



David Yurman Inspired Bo
Link Chain Necklace
\$19.99



David Yurman Inspired
Imitation Carved Jewel
Dome Cable Bangle Sterling
Silver MORE COLORS!
\$274.99



OTHER VIEWS:



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DESCRIPTION:



These beautiful earrings and pendant set are made in a David Yurman Albion Collection design. They are made of .925 sterling silver and rhodium plated to resist tarnish and provide a high shine. The cables are embedded with a gorgeous gemstone and detailed with gold vermeil finish outlining the edges. CHAIN IS NOT INCLUDED and is sold separately. We recommend to pair it with big chains such as David Yurman Inspired Box Link Chain. Earrings are for pierced ears only. FREE ground shipping on this item.

Measures: Earrings measures 16mm in height and 16mm in width. Pendant measures 19mm x 19mm. td>

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		 BSB-Salbcable